SHRI JANARDHANA POOJARY: Heismisleading1teHcxise...(/r>te^^

श्रीमती सुषमा स्वराज : सर, यह तो बहुत बड़ा अपराध हैं ...(**व्यवधान**)... प्रधान मंत्री जी ने जब लिखित ...(**व्यवधान**)... मानव संसाधन मंत्री जी ने ...(**व्यवधान**)...

श्री सभापति : आप बैठ जाइए, यह ठीक बात नहीं हैं ...(**व्यवधान**)... अब मैं एलाउ नहीं करूंगा ...(**व्यवधान**)...

श्री विक्रम वर्मा : प्रधान मंत्री जी की अध्यक्षता में जो निर्णय हुआ ...(**व्यवधान**)...

श्री सभापति : आप बार-बार इसी एक बात को ही क्यों कर रहे हैं ? The subject is over. Now, we will be taking up The Wild Life (Protection) Amendment Bill, 2005. Shri A. Raja to reply *...(Interruptions)...* आप जवाब दीजिए ...(**व्यवधान**)... आप बोलिए, बोलिए ...(**व्यवधान**)...

GOVERNMENT BILLS

The Wild Life (Protection) Amendment Bill, 2005—*Contd.*

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI A RAJA): Sir, I would like to express my heartfelt thanks to the hon. Members who have participated in this important debate. *...{Interruptions)...* During the course of the debate, an hon. Member had raised an important issue as to whether *...{Interruptions)...*

... *{Interruptions)*....Powers contemplated under Section 38 (o) to issue binding directions to any person, officer, or authority is really under federal Constitution *{Interrutions)*....Sir, I must clarify on this clause first ... *{Interruptions)....* Such a symmetrical and identical clause is available in the Prevention of Control of Pollution Act, 1981. *{Interruptions)....Sir,* let me permit to read out the provision available in the Act. Clause 31(A) says, "Notwithstanding anything contained in any other law, but subject to the provisions of Act, any direction that the Central Govemment may give in this behalf, a Board may, in the execise of its powers and performance of its functions under this Act, issue any directions in writing to any person officer, or authority and such person, officer or authority shall be bound to comply with such directions."... *{Intenvptions)...* Sir, such a clause is already available and I can assure the hon. Member that this provision is not unknown to *me...{Intenvptions)...Wflh* regard to other apprehensions that have been expressed by Shrimati Brinda Karat and other Members on tribal people residing in the project tiger areas, I can assure the *Members...{Intenvptions)...*

श्री सभापति : माननीय सदस्य, वंदेमातरम गाना होगा, इसका कौन विरोध कर रहा हैं ? ...(**व्यवधान**)... कौन वंदेमातरम का विरोध कर रहा हैं ? ...(**व्यवधान**)...

SHRI A. RAJA: Sir, with regard to some of the apprehensions that have been expressed before the House by Shrimati Brinda karat and other Members, I had an extensive consultations with all the political parties, including CPI and CPI (M) *{Interruptions)...*Suggestions and amendments mooted by Shrimati Brinda Karat and other Members have been duly incorporated in the Bill. As such, request that the Bill may be taken up for passing.. *.(Interruptions)...*

MR. CHAIRMAN: Now, the question is:

That the Bill further to amend the Wild Life (Protection) Act, 1972, be taken into consideration.

The motion was adoped.

MR. CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill. Now, we shall take up clause 2. In clause 2, there are twenty-three amendments; amendments (Nos. 3 to 17 and 22 to 25) by the hon. Minister; amendments (Nos. 20 and 21) by Shri Kanjibhai Patel; and amendments (Nos. 26 and 27) by Shrimati Brinda Karat. *...(Interruptions)...* Shri Kanjibhai Patel*...(Interruptions)...*

Clause 2 - Insertion of new Chapter IVB.

SHR A. RAJA: Sir, I accept the amendmetns (Nos. 26 and 27) proposed by Shrimati Brinda Karat and request you to treat them as official amendments. I move:—

(3) That at page 2, line 2, for the world "Chapter" word "Chapters'" be *substituted.*

(4) That at page 2, lines 12 and 13, for the words "tiger bearing forest and such non forest natural habitats" the words "tiger reserve" be *substituted.*

(5) That at page 2, for lines 38 to 40, the following be *substituted,* namely:-

"(i) Inspector-General of forests or an officer of the equivalent rank having at least ten years experience in a tiger reserve or wildlife management, who shall be the Member-Secretary,"

(6) That at page 3, line 38 *after the* words "land use" the wrods "such as, mining, industry and other projects" be *inserted.*

(7) That at page 3, *for* lines 42 to 44, the following be substituted namely: -

"(d) provide for management focus and measures for adressing conflicts of men and wild animal and to emphasise on coexistence in forest areas outside the National Parks, sanctuaries or tiger reserve, in the working plan code;'

(8) That at page 4, line 2, for the words "tiger estimation" the words "estimation or population of tiger and its natural prey species, status of habitats, "be *substituted.*

(9) That at page 4, *for,* lines 5 and 6, the following be *substituted,* namely:-

"(f) approve, co-ordinate research and monitoring on tiger, co-predators, prey, habitat, related ecological and socio-economic parameters and their evaluation".

(10) That at page 4, for lines 7 to 10, the following be *substituted,* namely:-

"(g) ensure that the tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses; except in public interest and with the approval of the National Board for Wild Life and on the advice of the Tiger Conservation Authority;"

(11) That at page 4, line 20, affer the words "conservation ofligers'^the words "and their habitat" be *inserted.*

(12) That at page 4, lines 23 and 24, for the words "tiger reserves and tiger bearing forests" the words" or tiger reserves" be *substituted.*

(13) That at page 5, *for* lines 38 and 39, the following be substituted, namely:-

"(d) three experts or professionals having qualifications and experience in conservation of wild life of which at least one shall be from the field of tribal development;'

(14) That at page 6, line 7, *for* the words "the tiger bearing forest" the words "the tiger reserves and areas linking one protected area or tiger reserve with another" be *substituted.*

(15) That at page 6, line 12, the words" in tiger bearing forests" be *deleted.*

(16) That at page 6, line 18, after the words "reserve" the words "outside the core area" be *inserted.*

(17) That at page 7, *after* line 5, the following Chapter be *inserted,* namely:—

"CHAPTER IV C

TIGER AND OTHER ENDANGERED SPECIES CRIME CNTROL BUREAU

38. Y. The Central Government may, for the purposes of this Act, by order published in the Official Gazette, constitute a Tiger and Other Endangered Species Crime Control Bureau to be known as the Wildlife Crime Control Bureau consisting of - Constitution of Endured*0, Specpies crime Coi, tro1 Bure, u

(a) the Director of Wildlife Preservation-Director ex-officio;

(b) Inspector General of Police -Additional Director;

(c) Deputy Inspector General of Police - Joint Director;

(d) Deputy Inspector General of Forests-Joint director;

(e) Additional Commissioner (Customs and Central Excise) • Joint Director; and

(f) such other officers as may be appointed from amongst the officers convered under sections 34 of this Act;

38Z. (1) Subject to the provisions of this Act, the Wildlife Crime Control Bureau shall take measures with respect to— Power and function of trie wildlife Crime Control Bureau

(i) collect and collate intelligence related to organized wildlife crime activities and to disseminate the same to State and other enforcement agencies for immediate action so as to apprehend the criminals and to establish a centralized wildlife crime data bank;

(ii) co-ordination of actions by various officers, State Governments and other authorities in connection with the enforcement of the provisions of this Act, either directly or through regional and border units set up by the Bureau;

(iii) implementation of obligations under the various international Conventions and protocols that are in force at present or which may be ratified or acceded to by India in future;

(iv) assistance to concerned authorities in foreign countries and concerned international organizations to facilitate coordination and universal action for wildlife crime control;

(v) develop infrastructure and capacity building for scientific and professional investigation into wildlife crimes and assist State Governments to ensure success in prosecutions related to wildlife crimes;

(vi) avice the Government of India on issues relating to wildlife crimes having national and international ramifications, and suggest changes required in relevant policy and laws from time to time;

(2) The Wildlife Crime Control Bureau shall exercise—

(i) such powers as may be delegated to it under sub-section (1) of section 5, sub-sections (1) and (8) of section 50 and section 55 of this Act; and

(ii) such other powers as may be prescribed."

(22) That at page 2, *after* line 37, the following be *inserted,* namely,—

"(i) Secretary, Ministry of Tribal Affairs;

(k) Secretary, Ministry of Social Justice and Empowerment; (l)

Chairperson, National Commission for the Scheduled Tribes; (m)

Chairperson, National Commission for the Scheduled Castes; (n)

Secretary, Ministry of Panchayati Raj;"

(23) That at page 4, *after,* line 25, the following be *inserted* namely,—

"Provided that no such direction shall interfere with or affect the rights of local people particularly the Scheduled Tribes."

(24) That at page 5, after line 39, the following be *inserted,* namely:—

"(e) two members from the State's Tribal Advisory Council;

(f) one representative each from State Government's Departments dealing with Panchayati Raj and Social Justice and Empowerment;"

(25) That at page 6, *for* line 21 to 28, the following be *substituted,* namely;—

"(i) Core or critical tiger habitat areas of National Parks and Sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation,

without affecting the rights of the Scheduled Tribes or such other forest dwellers, and notified as such by the. State Government in consultation with an Expert Committee constituted for the purpose.

(ii) buffer or peripheral area consisting of the area peripheral to critical tiger habitat or core area, identified and established in accordance with the provisions contained in Explanation (i), of section 38 V (4), where a lesser degree or habitat protection is required to ensure the integrity of the critical tiger.

(iv) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfils the requirements given in the National Relief and Rehabilitation Policy;

(v) the informed consent of the Gram Sabhas concerned, and of the persons affected, to the resettlement programmes has been obtained;

(vi) the facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be intered with."

(26) That in the List of amendments dated the 1st August, 2006, amendment No. 16, *be deleted.*

(27) That in List of Amendments dated the 14th August, 2006 in amendment No. 25, in sub-section (5), *after* the words "terms and conditions" the words, "provided that such terms and conditions satisfy the requirements laid down in this sub-section" be *inserted.*

The questions were put and mottons were adopted.

Clause 2, *as amended,* ***was added*** *to the Bill.*

(Interruptions).

MR. CHAIRMAN: In clause 3, there is one amendment (No. 18) by the hon. Minister: — *Clause 3-Amendment to Section 51*

SHRI A. RAJA: Sir, I move:

(18) That at page 7, *for* lines 6 to 15, the following be *substituted,* namely:—

"3T"In section 51 of the principal Act, after sub-section (1B), the following sub-section shall be inserted, namely:—

habitat with adequate dispersal for tiger species, and which aim at promoting co-existence between wildlife and human activity with due recognition of the livelihood, developmental, social and cultural rights of the local people, wherein the limits of such areas are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee constituted for the purpose.

(5) Save as for voluntary relocation on mutually agreed terms and conditions, no Scheduled Tribes or other forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas for tigher conservation unless—

(i) the process of recognition and determination of rights and acquisition of land or forest rights of the Scheduled Tribes and such other forest dwelling persons is complete;

(ii) the concerned agencies of the State Government, in exercise of their powers under this Act established with the consent of the Scheduled Tribes and such other forest dwellers in the area, and in consultation with an ecological and social scientist familiar with the area, that the activities of the Scheduled Tribes and other forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of tighers and their habitat;

(iii) the State Government, after obtaining the consent of the Scheduled Tribs and other forest dwellers inhabitin the area, and in consultation with an independent ecological and social scientist familiar with the area, has come to a conclusion that other reasonable options of co-existence, are not available;

'(IC) Any person, who commits an offence in relation to the core area of a tiger reserve or where the offence relates to hunting in the tiger reserve or altering the boundaries of the tiger reserve, such offence shall be punishable on first conviction with imprisonment for a term which shall not be less than three years but may extend to seen years, and also with fine which shall not be less than fifty thousand rupees but may extend to two lakh rupees; and in the event of a second or subsequent conviction with imprisonment for a term of not less than seven years and also with fine which shall not be less than five lakh rupees but may extend to^fty lakh rupees.

(ID) Whoever abets any offence punishable under sub-section (IC) shall, if the act abetted is committed in consequence of the abetment, be punishable with the punishment provided for that offence.'."

The question was put and the motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 to 6 were added to the Bill.

...(Interruptions)...

CLAUSE7

Amendment of Section 63

MR. CHAIRMAN: Now, we shall take up clause 7. There is one amendment (No. 19) by Shri A. Raja.

SHRI A. RAJA: Sir, I beg to move:

(19) That at page 7, after line 35, the following be *inserted,* namely:—

"(gvi) other powers of the Wild Life Crime Control Bureau under sub-section (2) (ii) of section 382."

The question was put and the motion was adopted.

Clause 7, as amended, was added to the Bill.

...(Interruptions)...

CLAUSE 1

Short Title and Commencement

MR. CHAIRMAN: Now, we shall take up clause 1. There is one amendment (No. 2) by Shri A. Raja.

SHRI A. RAJA: Sir, I beg to move:

(2) That at page 1, line 2, for the figure "2005" the figure "2006" be *substituted.*

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

...(Interruptions)...

ENACTING FORMULA

MR. CHAIRMAN: Now, we shall take up Enacting Formula. There is one amendment (No. 1) by Shri A. Raja.

SHRI A. RAJA: Sir, I beg to move:

(2) That at page 1, line 1, *for* the word "Fifty-sixth" the word "Fifty-seventh" be *substituted.*

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

...(Interruptions)...

SHRI A. RAJA: Sir, I beg to move:

That the Bill, as amended, be passed.

The question was put and the motion was adopted.

श्री सभापति : सदन की कार्यवाही तीन बजे तक के लिए स्थगित की जाती हैं ।

The House then adjourned at twenty-eight minutes past two of the clock.

The House reassembled at three of the clock,

(MR. DEPUTY CHAIRMAN in the Chair)

MR. DEPUTY CHAIRMAN: The appropriation (No. 4) Bill, 2006. *...{Interruptions)...*

SHRI M. VENKAIAH NAIDU (Karnataka): Mr. Deputy Chairman, Sir *...(Interruptions)...*

SHRI N. JOTHI (Tamil Nadu): Sir, we have got an objection to *...(Interruptions)...* Sir, he has not answered the issues. *...(Interruptions)* ...Sir, we have objection *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: The Finance Minister, Shri P. Chidambaram. *...(Interruptions)...*